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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,533	11/05/2003	Gyora Mihaly Pal Benedek	3069/1	6033

7590 05/19/2004

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EXAMINER

CEGIELNIK, URSZULA M

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/700,533	<b>Applicant(s)</b> BENEDEK ET AL.	
	<b>Examiner</b> Urszula M Cegielnik	<b>Art Unit</b> 3712	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17, 22-24, 29, and 30 is/are rejected.
- 7) ☒ Claim(s) 10, 18-21, 25-28 and 31-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/27/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

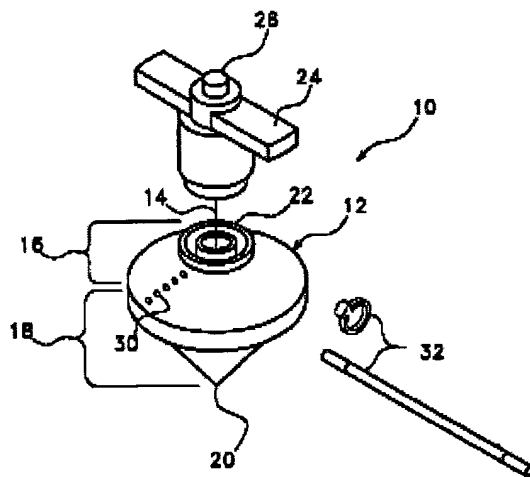
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 16, 17, 22, 23, 24, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson.

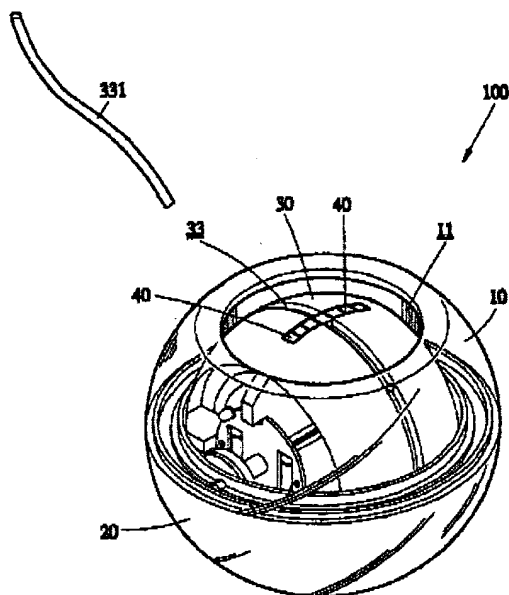


Nelson discloses a rotating device comprising a rotatable body (12); inside said rotatable body (12), a rotation data measuring means (46); a control unit (42) said control unit (42) configured to receive data relating to rotation of said body (12) from

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said rotation data measuring means (46) (col. 4, lines 39-47); said body is in the form of a top; all components of said rotation data measuring means (46) are associated with said rotatable body (12); a wireless data receiver; said receiver configured to receive data from a remote location and pass said data to said control unit (col. 3, lines 19-26); the rotation data measuring means (46) are configured to produce a substantially sinusoidal output signal having a frequency related to rotation of the body (the rotation means, i.e., the induction coil 46 is inherently capable of producing a sinusoidal output signal); the rotation data measuring means (46) comprises a means for detecting (the earth's) magnetic field (the rotation data measuring means is an induction coil, it is inherently capable of detecting the earth's magnetic field); the rotation data measuring means comprises an induction coil (46).

Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuang et al.



Chuang et al. disclose a rotating device comprising a rotatable body (10,20); inside said rotatable body (10,20), a rotation data measuring means (70); a control unit (60); said control unit (60) configured to receive data relating to rotation of said body (10,20) from said rotation data measuring means (70); said body is in the form of a ball; all components of said rotation data measuring means (70) are associated with said rotatable body (10,20) (col. 4, lines 18-26); the display mechanism (11) comprises a plurality of independently activable and deactivable light sources (40) (col. 1, lines 54-60); the control unit is configured to calculate a number of revolutions that the rotatable body has performed and display the number of revolutions using the display mechanism (col. 34, lines 40-43 and col. 18-20); the control unit (60) is configured to calculate a rate of rotation of the rotatable body (10,20) and display the rate of rotation using the display mechanism (11) (col. 5, lines 16-19).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang et al.

Chuang et al. disclose the claimed invention except for a clock means coupled to the display means for refreshing the display. However, Chuang et al. discloses a functional equivalent of a clock means (col. 4, lines 39-44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a functional equivalent of the clock means as taught by Chuang et al., since such a modification would permit the activation of LED's to display alternate images.

***Allowable Subject Matter***

Claims 10, 18-21, 25-28, and 31-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 5:30AM - 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. **The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik  
Assistant Examiner  
Art Unit 3712

  
DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
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